

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
NOVEMBER 9, 2011
7:00 P.M.**

I. CALL TO ORDER

Chair Grabel called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Forrest, Scherer, Potts, Platteter, Cherkassky, Carpenter, Staunton, Fischer, Grabel

Absent from the roll call was Commissioner Rock

III. APPROVAL OF MEETING AGENDA

The agenda for the November 9, 2011 meeting was filed noting that Agenda Item 2011.0010.11a Subdivision with Lot Depth Variances for each lot for Vine Hill Investors was tabled.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Carpenter moved approval of the October 12, 2011, meeting minutes. Commissioner Scherer seconded the motion. It was noted there was a misspelling of Karen Kurt's name in the minutes – All voted aye; motion carried.

V. COMMUNITY COMMENT

No comment.

VI. PUBLIC HEARINGS

**B-11-11 Wayne Rice
5100 Edina Industrial Boulevard
Sign Variance**

Planner Presentation

Planner Teague informed the Commission the building owner of 5100 Edina Industrial Boulevard is requesting a two-foot sign height variance, and a five-foot setback variance for the replacement of an existing non-conforming freestanding sign.

Planner Teague explained that the subject property, zoned POD-1, Planned Office District is allowed one freestanding sign not to exceed 50 square feet in area and eight feet in height. The required setback for all freestanding signs in the city is 20 feet from the traveled portion of the street which is generally considered to be the outside facing of the curb. The existing sign, erected 30 – 40 years ago is currently non-conforming due to a right-of-way taking along Edina Industrial Boulevard in 2000.

Currently, there is a proposal to replace an existing non-conforming freestanding sign with a new sign measuring 29.32 square feet in area; standing 10 feet in height and setback 15 feet from the curb; necessitating variances for an excess two feet in sign height and a five-foot setback variance necessitated by a right-of-way taking in 2000.

Prior to the right-of-way taking, the existing sign which measures 40 square feet in area, met the setback and height requirements of the sign code. However, with the right-of-way taking, the non-conforming setback was created and the city engineer agreed to allow the building owner to raise the sign a height of 9.5 feet in response to complaints from drivers unable to see oncoming traffic when exiting the 5100 building's driveway.

Planner Teague concluded that staff recommends approval of the requested variance based on the following findings:

1. The proposal meets the required standards for a variance. The practical difficulty is caused by the 2000 right-of-way taking on the north side of Edina Industrial Boulevard. Due to the location of the building, there is no room to locate the sign at the required 20 foot setback.
2. Because the sign cannot maintain the required 20-foot setback, the sign is designed to provide 5 feet of clearance from the bottom of the sign to grade, thus ensuring visibility for vehicles exiting the 5100 building's parking lot.

3. Thee unique circumstances are the shortage of land in front of the building due to the right-of-way taking, and the site's location on an intersection, where site visibility is a concern.
4. The city engineer supports the variance request, confirming that the height and location of the proposed sign is appropriate due to the right-of-way taking on the north side of Edina Industrial Boulevard in 2000, and there would be adequate site visibility.

Approval of the variance was also subject to the plans presented.

Appearing for the Applicant

Wayne Rice, applicant

Chair Grabiell asked if anyone was present that would like to address the variance request; being none, Chair Grabiell asked for a motion to close the public hearing.

Commissioner Carpenter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; motion carried.

Discussion

Commissioner Carpenter commented that in his opinion the request was reasonable and justified. Commissioners agreed.

Motion

Commissioner Carpenter moved variance approval based on staff findings and subject to staff conditions. Commissioner Potts seconded the motion. All voted aye; motion carried.

B-11-12	Refined, LLC
	4621 Edina Boulevard, Edina, MN
	15.6' rear yard setback variance

Planner Presentation

Planner Aaker informed the Commission the subject property is a corner lot located east of Edina Blvd. and north of Country Club Road The property owners are hoping to replace and rebuild their existing 3-car garage with living space above with a 2-stall garage with increased living space on both the 1st and second floors. The rebuilt garage will be in the same location as the existing garage with a higher

ridge line and dormers and increased 2nd floor living space above. The new 2nd floor above the garage will be 3.8 feet taller than the existing garage. The existing, (and proposed) garage are nonconforming regarding rear yard, (east), setback location. The existing rear yard setback is 9.4 feet to the east, (rear), lot line. The minimum rear yard setback is 25 feet, therefore to maintain the existing setback requires a variance of 15.6 feet. Setbacks of the garage will remain the same with the exception of a small addition to the southside of the home, which will maintain the required side street setback from Country Club Road. Spacing between properties and adjacent structures will remain the same. The driveway and curbcut onto Country Club Road will be in the same location as existing currently.

Planner Aaker noted that the property is located within the historic Country Club District and is subject to a Heritage Preservation over-lay zoning district. The proposed project was reviewed and approved by the Heritage Preservation Board and received a Certificate of Appropriateness on October 11, 2011.

Planner Aaker concluded that staff recommends approval based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District and the Heritage Preservation Over-Lay District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with surrounding properties and matches the nonconforming setback that has historically been provided by the existing garage.
 - b. The imposed setback limits design opportunity to the second floor above the garage.
- 3) The intent of the ordinance is to provide adequate spacing between properties and structures. Spacing on both sides of the home will not change. The unique circumstance is the original nonconforming placement of the home.
- 4) The plan has been reviewed and approved by the Heritage Preservation Board and has received a Certificate of Appropriateness from them.

Approval was also subject to the following conditions: Survey date stamped and building plans and elevations date stamped.

Appearing for the Applicant

Andy Porter, applicant

Discussion

Commissioner Forrest questioned how reduction in hardscape would be enforced in this instance. Planner Aaker responded that removal was part of the building permit process.

Public Comment

None.

Commissioner Carpenter moved to close the public hearing. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Motion

Commissioner Forrest moved variance approval based on staff findings and subject to staff conditions. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Agenda Item: 2011.0010.11.a Tabled until 2012.

**2011.0011.11a DJR Architecture
6996 France Avenue, Edina
Preliminary Rezoning and Preliminary Development Plan**

Planner Presentation

Planner Teague informed the Commission that FE 70, LLC is proposing to tear down the existing gas station at 6996 France Avenue and re-build an 8,260 square foot office/retail building. The building would include a 3,000 square foot retail store (Vitamin Shop) and a 5,260 square foot financial office. Teague explained to accommodate this proposed redevelopment, the following is requested:

- Preliminary Rezoning from PCD-4 Planned Commercial District to PUD, Planned Unit Development.
- Preliminary Development Plan

Planner Teague noted that the applicant has gone through the Sketch Plan process before the Planning Commission and City Council. Since that review, the applicant has increased the size of the building from 6,600 square feet to 8,260 square feet by adding a mezzanine in the building for the financial office. The footprint of the building and the parking arrangement has not changed.

Concern was raised by staff in regard to the increase in the shortage of required parking spaces caused by the increase in building size. Therefore, a parking study was done to ensure that parking would not be a problem. The study concludes that the proposed vitamin shop and financial office could be supported by the 34 parking stalls proposed. However, future uses within the building should be limited to ensure there is adequate parking on the site.

Planner Teague concluded that staff recommends that the City Council approve the Preliminary Rezoning from PCD-4, Planned Commercial District to PUD, Planned Unit Development District and Preliminary Development Plan to construct an 8,260 square foot retail/office building at 6996 France Avenue for FE70, LLC.

Approval is subject to the following findings:

1. The proposed land uses are consistent with the Comprehensive Plan.
2. The site layout would be an improvement over a site layout required by standard zoning; the building is brought up to the street, provides front door entries toward the street, includes sidewalks to encourage a more pedestrian friendly environment along the street.
3. The design of the building is of a high quality stone with large windows. The building is consistent with the small scale buildings on this block.
4. The development would incorporate improved landscaping and green space, a decrease in impervious coverage, and an infiltration area.
5. The contaminated soils on the site would be cleaned up.
6. Traffic would be improved in the area with a right-in only access on France Avenue, the elimination of the curb cut nearest the intersection and narrowing the curb cut further to the west.
7. The proposed project would meet the following goals and policies of the Comprehensive Plan:
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.
 - Locate prominent buildings to visually define corners and screen parking lots.
 - Locate building entries and storefronts to face the primary street, in addition to any entries oriented towards parking areas.
 - Encourage storefront design of mixed-use buildings at ground floor level, with windows and doors along at least 50% of the front façade.
 - Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
 - b. Movement Patterns.

- Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
 - Limit driveway access from primary streets while encouraging access from secondary streets.
 - Provide pedestrian amenities, such as wide sidewalks, street trees, pedestrian-scale lighting, and street furnishings (benches, trash receptacles, etc.)
 - A Pedestrian-Friendly Environment. Improving the auto-oriented design pattern discussed above under “Issues” will call for guidelines that change the relationship between parking, pedestrian movement and building placement.
- c. Appropriate Parking Standards. Mixed use developments often produce an internal capture rate. This refers to residents and workers who obtain goods and services from within the development without making additional vehicle trips. Parking ratios for mixed use development should reflect the internal capture rate and the shared parking opportunities this type of development offers.
- d. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.

Approval is also subject to the following Conditions:

1. The Final Development Plans must be consistent with the Preliminary Development Plans dated September 13, 2011, and the materials board as presented to the Planning Commission.
2. The Final Landscape Plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. Compliance with all of the conditions outlined in the city engineer’s memo dated November 3, 2011.
4. Final Rezoning is subject to a Zoning Ordinance Amendment creating the PUD, Planned Unit Development for this site.

Appearing for the Applicant

Dean Dovolis, DJR Architecture Inc.

Questions/Comments

Commissioner Scherer asked for clarification on what's used to consider acceptable parking ratios for retail; square footage or retail use? Planner Teague responded both. The square footage reflects the amount of parking required with some retail uses requiring additional spaces. Continuing, Teague said that in this instance if the building was to be entirely retail the proposed mezzanine would need to remain vacant. Continuing, Teague said staff was also requesting that specific retail uses not be allowed because of the parking demands they generate.

Commissioner Platteter questioned if a "use" changes does that change come before the Commission and Council for review and approval. Planner Teague responded if the use was a permitted use no further hearings are required; however if the use was not permitted public hearings before both the Planning Commission and City Council would occur. Platteter asked how parking compliance would be enforced. Teague responded through ordinance adoption when approved.

Commissioner Potts said as he reviewed the right turn in off of France Avenue and the internal parking circulation, in his opinion the first two parking stalls could create a hazard; especially backing out. Planner Teague said City Engineer Wayne Houle reviewed the circulation, egress and ingress of the site, adding that he would have Houle revisit the parking and circulation plan.

Commissioner Fischer said that while he has no comment at this time on the landscaping plan he would like to ensure that planting was adequate for the site. He questioned how staff determines the amount of over story trees, etc. Planner Teague responded that landscaping was determined by the sum of the perimeter of the site divided by 40.

Chair Grabiell asked Planner Teague his reasons for recommending limited retail use on this site. Planner Teague responded that the parking study compiled by WSB found that certain retail uses generate higher traffic volumes and as a result of their findings staff believes those uses should be precluded from the site. A PUD zoning allows the City flexibility with uses.

Chuck Rickhart, WSB addressed the Commission and concluded the following:

- The redevelopment of the site as retail/office with limited retail uses as suggested by Edina staff would generate less traffic than the current gas/service station. The gas station as it exists today generates significantly less traffic than what a typical gas/service station would generate. The outcome of this project would be less traffic.
- It is believed that traffic operations at the intersection of France/West 70th Street would remain the same; little or no impact on traffic movements.
- Based on ITE parking generation it was estimated that the 34-parking spaces were adequate for the project. It should be noted that as mentioned by staff retail uses are limited to include no drive-through services.
- Acknowledge there will be delays in traffic movement during the peak times from the 70th St. driveway – it should be noted that traffic on West 70th Street should not be impacted.

A discussion ensued on traffic movements onto both France Avenue and West 70th Street. Commissioner Platteter said he has some concerns with the France Avenue curb cut.

Commissioner Forrest expressed concern on the parking spaces on the northwest corner of the site near the trash enclosure. Mr. Rickhart replied that Mr. Houle also expressed concern with this area; especially when a garbage truck backs up. Rickhart said Houle suggested that the trash enclosure be relocated around the corner. Forrest asked Rickhart when peak hours were determined; pointing out West 70th Street is under construction. Rickhart acknowledged that 70th is under construction; however, the chart reflects the increase in traffic after construction was completed. Forrest said she remains concerned with left turns onto West 70th Street suggesting that somehow traffic be directed to use the round-about. Concluding Forrest said she still has some reservations on if parking was adequate. She noted parking appears to include both employee and delivery parking. Rickhart said parking as proposed would meet the demand of the site regardless of if the site were a mix of both office and retail or retail only. Rickhart said he was comfortable with the findings of the traffic study. Employee parking is also contained on site.

Commissioner Platteter said in studying traffic onto West 70th Street that signage could be implemented to reduce congestion at that curb cut. Platteter asked Mr. Dovolis if the building was designed for a specific tenant or if the building design was generic. Dovolis responded that the mezzanine element of the building was designed with a tenant in mind; however, the building wasn't custom designed. Platteter also suggested careful study of the France Avenue curb cut.

Applicant Presentation

Dean Dovolis presented the materials board pointing out the building materials would consist of a stone and another form of hybrid exterior material, metal panels, and clear glass. Dovolis said their intent was to construct a building with enduring materials that was a transitional structure between residential and commercial. Dovolis said he would conclude his materials presentation and stand for questions.

Public Comment

No public comment.

Commissioner Platteter moved to close the public hearing. Commissioner Potts seconded the motion. All voted aye; public hearing closed.

In response to comments on the flow of traffic onto west 70th street Chair Grabiell said he uses this gas station from time to time and patrons have always turned left from the site onto West 70th Street. Grabiell said signage could help; however, he believes people would still make left turns. Grabiell said the round-about is a great addition to the immediate area; allowing safe traffic movements. Grabiell concluded that he believes what's proposed improves a major corner. It eliminates a service station and reduces the number of curb cuts on West 70th from two to one; and that's a good thing for the City.

Commissioner Potts commented that if the City was relying on ITE traffic numbers to assess parking that he believes more people would drive to the site, not walk, adding the City should be cautious with any parking analysis.

Commissioner Fischer said historically the City of Edina has required more parking than needed and the analysis presented enforces that finding. Continuing, Fischer said that at least in his opinion he would rather view more green space, less asphalt. Fischer also pointed out that the Comprehensive Plan identifies this as an area for potential change and the proposed plan supports that vision.

Commissioner Staunton agreed with Fischer adding that the rezoning to PUD provides the City with more flexibility, acknowledging that redevelopment needs to start somewhere. Concluding, Staunton said his only hesitation was parking acknowledging he doesn't know if the number presented is right or wrong.

Commissioner Scherer stated in her opinion it's an attractive building, very attractive for that corner, adding her only concern was with the number of parking spaces provided.

Commissioner Carpenter suggested that if the Commission was hesitant about the parking another conditional of approval could be added reflecting that concern. The Commission could require if a "use" changes that any change is brought back before the Commission and Council, even if the use change was permitted, or we could require that another traffic study should be done.

Commissioner Forrest stated she likes the building, but believes Commissioner Carpenters idea for a condition of approval tied to use was appropriate. Forrest pointed out "use" changes; what are popular now may not be 5-years from now (as we've seen with video stores). Continuing, Forrest said she was concerned that the proposed building didn't address the street as well as she would have liked to see. Forrest said she wants the Commission to keep in mind the goals of the Comprehensive Plan, adding future redevelopment needs to retain the goals outlined in the Comp Plan. Dovolis stated that the even though the building is proposed with two entrances the building was also designed to address France Avenue.

Mr. Dovolis acknowledged the caution on the part of the Commission regarding parking; however, he noted what's proposed would generate less traffic than a full service gas station. Dovolis pointed out it's always difficult to be the "first one in" especially in an auto oriented environment. Dovolis said he believes this redevelopment could establish a precedent by creating a more walkable site that hopefully would further redevelopment in the area to be more pedestrian oriented. Concluding, Dovolis said one has to start somewhere believing this redevelopment is both auto and pedestrian friendly.

Commissioner Platteter asked if cross parking was ever considered. He pointed out the proposed building abuts additional parking where cross parking easements could be

considered. Mr. Dovolis responded that parking spaces were established according to uses; however in the future it may be something worth considering.

Commissioner Potts commented that in his opinion this development was a good beginning as the City continues to pursue its goals outlined in the Comprehensive Plan. Potts said in his opinion the building holds the corner well.

Motion

Commissioner Staunton moved to recommend preliminary rezoning approval from PCD-4, Planned Commercial District to PUD, Planned Unit Development and Preliminary Development Plan approval based on finding and conditions provided in the staff report. Commissioner Potts seconded the motion.

Further discussion on motion:

Commissioner Platteter said on the site plan he observed a tree that could impede site lines and asked that landscaping be considered when reviewing the ingress and egress.

Chair Grabiell called for the vote. Ayes; Forrest, Scherer, Potts, Platteter, Cherkassky, Carpenter, Staunton, Fischer Grabiell. Nays: 0. Motion carried,

VII. REPORTS AND RECOMMENDATIONS

Zoning Ordinance Amendment – Revisions to approved site plans

Planner Presentation

Planner Teague explained that the City Council directed staff to draft an ordinance amendment to clearly define when changes may be made to approved site plans. Teague explained that currently Edina's ordinance wasn't clear and "minor changes" are not defined.

Planner Teague reminded the Commission this issue was previously discussed with the Commission with the Commission directing staff to revise the amendments to include removal of the 10,000 square foot maximum. The 5% maximum was kept.

Planner Teague said no change was made in regard to a decrease in building size. As was the case with the Waters senior housing project, a decrease in the building size was not seen as a negative impact on the project, rather it was seen as a positive when compared to what could have been built. If a revision to a site plan, such as a building relocation were to occur along with a building size reduction, then the plans would be brought back to the Planning Commission and Council for review, as a change to an approved site plan.

Discussion

A discussion ensued with Commissioners questioning what constitutes change; is it a change in building color, change in exterior materials, increase or decrease in size , etc.

The Commission suggested the following:

- Change in building materials including color needs to be brought back before the Commission and City Council.
- A property cannot be located in an Edina Heritage Landmark District.

Chair Grabiell suggested that Planner Teague retool the amended ordinance to include those suggestions and bring the final draft back before the Commission.

Zoning Ordinance Amendment-Revision to Utility & Mechanical Equipment

Planner Teague reminded the Commission that utility and mechanical equipment was previously discussed with the Commission suggesting that more study needs to be done on size, setback, exempt/non-exempt equipment etc.

Discussion

A discussion ensued with the Commission making the following suggestions:

- 80-feet was too large. Consider reducing equipment size to 36 square feet.
- 6-feet may be too tall; reconsider height.
- Consider establishing a minimum setback for mechanical equipment
- Include these structures on the site plan when at all possible

Concern was also expressed on sites with numerous equipment pointing out there was no cap on "grouped" equipment. The Commission suggested a cap.

Commissioner Platteter commented that he views the majority of mechanical equipment as "eyesores" and amending the code to tighten up the standards was a good thing.

Chair Grabiell asked Planner Teague to "take another look" at the ordinance and bring back to the Commission a draft containing issues brought up at this meeting.

VIII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged receipt of the Council Connection

IX. CHAIR AND COMMISSION MEMBER COMMENTS

Commissioner Staunton reported that the Grandview Small Area Plan Committee will be hosting a community open house on November 15 and 16th. The open house will be held at Braemar Golf Course 8 AM – 8 PM. Staunton invited all to attend.

Chair Grabiell said he has been in contact with Diane Plunket Latham with the Energy and Environment Commission about amendments to the ordinance concerning drive through windows, solar panels and windmills. Grabiell said Commissioners Platteter and Potts have been working on the residential component of energy devices.

X. STAFF COMMENTS

Planner Teague, said as previously mentioned by Chair Grabiell that the Energy and Environment Commission was working on drive through window standards, solar panels and windmills. The goal was to amend and/or adopt new ordinances addressing these issues. Julie Risser plans on presenting an amendment that addresses drive-through facilities to the Commission sometime in December. Work continues on solar panels and windmills. Teague said things still need to be flushed out; especially height of windmills.

XI. ADJOURNMENT

Commissioner Forrest moved adjournment at 8:50 PM. Commissioner Potts seconded the motion. Motion for adjournment carried.

Jackie Hoogenakker
Respectfully submitted